



LG Ref: 5/2023/102/1
DAP Ref: DAP/23/02498
Enquiries: (08) 6551 9919

Mr Ross Underwood
Planning Solutions
GPO Box 2709 Cloisters Square 6850

Dear Mr Underwood,

REGIONAL JDAP - CITY OF BUNBURY - DAP APPLICATION - 5/2023/102/1 - DETERMINATION

Property Location:	Lot 51 (#6) & Lot 59 (#2) Austral Parade, East Bunbury
Application Details:	Proposed Three storey mixed used development

Thank you for your Form 1 Development Assessment Panel (DAP) application and plans submitted to the City of Bunbury on 1 June 2023 for the above-mentioned development.

This application was considered by the Regional JDAP at its meeting held on 27 November 2023, where in accordance with the provisions of the City of Bunbury Local Planning Scheme No.8, it was resolved to **approve** the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, an application may be made to amend or cancel this planning approval in accordance with regulation 17 and 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Please also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the conditions of approval, please contact Ms Maureen Hegarty on behalf of the City of Bunbury on 08 9792 7050.

Yours sincerely,

DAP Secretariat

4 December 2023

Encl. DAP Determination Notice
Approved Plans

Cc: Ms Maureen Hegarty
City of Bunbury

Planning and Development Act 2005

City of Bunbury Local Planning Scheme No.8

Regional Joint Development Assessment Panel

**Determination on Development Assessment Panel
Application for Planning Approval**

Property Location: Lot 51 (#6) & Lot 59 (#2) Austral Parade, East Bunbury

Application Details: Proposed Three storey mixed used development

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 27 November 2023, subject to the following:

1. **Accept** that the DAP Application reference DAP/23/02498 is appropriate for consideration as a 'Shop', 'Restaurant/café' and 'Multiple Dwelling' land use and compatible with the objectives of the zoning table in accordance with Clause 16 of the City of Bunbury Local Planning Scheme No. 8;
2. **Approve** DAP Application reference DAP/23/02498 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the City of Bunbury Local Planning Scheme No. 8, subject to the following conditions:

Conditions

General

1. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. All development shall be in accordance with the approved development plans (attached) which form part of this development approval.
3. At all times, the development the subject of this development approval must comply with the definition of 'Multiple Dwelling', 'Shop' and 'Restaurant/Café' as contained in Part 6 of the City of Bunbury Local Planning Scheme 8.
4. All works required to satisfy a condition of this approval are required to be installed / constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.
5. Before the development is occupied, the subject land parcels must be amalgamated into the one certificate of title and the new title issued, and a copy of the new title provided, to the satisfaction of the City of Bunbury.
6. All deliveries and waste collection vehicles shall be restricted to Monday to Saturday 7am to 7pm and Sunday (including public holidays) 9am to 7pm.

Construction Management

7. Prior to issuing a building permit, a Construction Management Plan (CMP) shall be submitted for approval to the specifications and satisfaction of by the City of Bunbury. The management plan shall include details regarding mitigation measures to address impacts associated with construction works and must address the following issues:

- public safety and amenity;
- site plan and security;
- contact details of essential site personnel, construction period and operating hours;
- community information, consultation and complaints management plan;
- construction staging plan;
- noise, vibration and dust management;
- pre-work dilapidation reports of surrounding properties and City of Bunbury assets;
- traffic, access and parking management;
- waste management and materials re-use and/or recycling;
- earthworks, excavation, land retention / piling and associated matters;
- contamination risks;
- storm water and sediment control;
- street tree management and protection;
- any other matters deemed appropriate by the local government

The construction works shall be undertaken in accordance with the approved Construction Management Plan at all times.

8. Prior to issuing a building permit, damage bond to the value of \$25,000 shall be paid to the City of Bunbury in accordance with the City of Bunbury's Local Planning Policy: Bonds.
9. Before the development is occupied, any alterations, relocation and/or damage of existing infrastructure within the road reserve shall be completed and/or reinstated to the specification and satisfaction of the City of Bunbury.

Design and Landscaping

10. Prior to the submission of a building permit, a detailed art concept for the proposed car park screen along Hough Road shall be submitted to the City of Bunbury for approval.
11. Prior to the submission of a building permit, detailed plans are to be submitted demonstrating that a minimum of 11 residential apartments satisfy the Silver Level requirements outlined in the *Liveable Housing Design Guidelines*.
12. Prior to the submission of a building permit, detailed plans are to be submitted demonstrating that a continuous awning/canopy is provided along the frontage of Austral Parade and extends to the residential entrances on Hough Road and King Road to the satisfaction of the City of Bunbury.

13. External fixtures shall be integrated into the design of the building or screened so as not to be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties to the satisfaction of the City of Bunbury.
14. Proposed fencing along the southern lot boundary, within 1.5m of the front setback, shall be truncated or reduced to a maximum height of 0.75m above natural ground level to ensure adequate sightlines for neighbouring properties driveways are maintained.
15. Prior to the submission of a building permit, a detailed landscaping plan must be submitted for the approval of the City of Bunbury. The landscape plan is to include water sensitive urban design planting and water management methods; and must address the following:
 - A site plan showing the location, species, garden bed depths, size, separation distances and number of the proposed vegetation.
 - A key or schedule detailing proposed species type grouped under the subheadings of tree, shrub and ground cover.
 - Mulching or similar treatments of garden beds including edges.
 - Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance.
 - Treatment of paved areas (parking and pedestrian areas).

Before the development is occupied, the landscaped areas must be planted, established, and reticulated in accordance with the endorsed landscape plan. These areas must be maintained as landscaped areas at all times and to the satisfaction of the City of Bunbury.

Sustainability

16. Prior to the submission of a building permit, a Sustainability Report shall be prepared by a suitably qualified sustainability consultant and submitted to the City of Bunbury for approval. The Sustainability Report shall outline the delivery of identified sustainability measures for the development to the satisfaction of the City of Bunbury.
17. Before the development is occupied, the outcomes and recommendations outlined in the approved Sustainability Report must be implemented onsite. Written certification is required to be submitted by a suitably qualified consultant to confirm the outcomes and recommendations outlined in the Sustainability Report have been implemented to the satisfaction of the City of Bunbury.

Lighting

18. Prior to the submission of a building permit, a Lighting Plan detailing the proposed lighting to pathways, communal areas and car parking areas shall be submitted and approved by, the City of Bunbury. All illumination must be confined to the land in accordance with the requirements of Australian Standard AS4282-1997 – Control of the obstructive effects of outdoor lighting, at all times.
19. Before the development is occupied, the approved Lighting Plan shall be installed and maintained thereafter, to the satisfaction of the City of Bunbury.

Acoustic

20. Prior to submission of a building permit, an addendum to the report titled Leschenault Quays Acoustics Report Development Application (Ref: 301270080 dated 10 May 2023) is required to be submitted by a suitably qualified acoustic engineer (a member of the Australian Acoustical Society,) to City of Bunbury confirming all final design specifications relating to noise mitigation and / or noise reduction measures for the development, including, mechanical plant and refrigeration, have been modelled to achieve compliance with the *Environmental Protection (Noise) Regulations 1997*.
21. Before the development is occupied, the outcomes and recommendations of the submitted acoustic report Leschenault Quays Acoustics Report Development Application (Ref: 301270080 dated 10 May 2023) and any subsequent addendum, must be implemented on site. Written certification by a suitably qualified person (e.g., mechanical engineer, acoustic engineer etc.) for those aspects of the development the report & subsequent addendum refers to, will be required to be provided to the City of Bunbury confirming that all design specifications relating to noise mitigation and / or noise reduction measures have been implemented to achieve compliance with the *Environmental Protection (Noise) Regulations 1997*.
22. Prior to occupation of the development of the ground floor commercial tenancies, a Noise Management Plan (NMP) shall be submitted to the City of Bunbury for approval which states the controls to be put in place to address noise emissions of the proposed operation and any operating restrictions outlined in the endorsed acoustic report and subsequent addendum.

Access and Parking

23. Before the development is occupied, a minimum of 101 car parking bays, being 41 bays for the commercial component, 60 bays for the residential component and 9 bays for visitors, must be provided on the land the subject of this development approval and to the satisfaction of the City of Bunbury. A minimum of 1 car parking bays for the commercial component must be provided for the exclusive use of disabled persons in accordance with AS/NZS 2890.6:2009.
24. Prior to the submission of a building permit, detailed design plans shall be prepared in accordance with relevant Australian Standards, Austroads Guidelines, and City of Bunbury requirements, for all access, carparking and pedestrian movement requirements, to the satisfaction of the City of Bunbury. Once plans are approved construction, line marking and signage is to be in accordance with the approved plans and be completed before the development is occupied.
25. Before the development is occupied, all disused or redundant vehicular crossover(s) must be removed and the area reinstated to the satisfaction of the City of Bunbury.
26. Before the development is occupied, linemarking (including visitor bay marking) and parking signage must be installed in accordance with the approved plans and to the satisfaction of the City of Bunbury.

27. Footpaths are to be provided on King Road, Austral Parade and Hough Road generally in accordance with the proposed routes on DWG No. SK2-01. Detailed design plans are to be submitted to the City of Bunbury for approval prior to the submission of a building permit, with the footpaths being connected to the existing path network and be constructed to a minimum width of 2 metres.

Waste and Stormwater Management

28. Prior to occupation, an updated Waste Management Plan shall be submitted to the City of Bunbury for approval addressing the revised bin store location. The approved plan shall be implemented and adhered to at all times, to the satisfaction of the City of Bunbury.
29. Prior to the submission of a building permit, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development.

In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all works have been carried out in accordance with the pre-works geotechnical report.

30. Prior to the submission of a building permit, a Stormwater and Drainage Management Plan, prepared in accordance with the Department for Water's Stormwater Management Manual must be submitted for the approval of the City of Bunbury.

The Stormwater and Drainage Management Plan will determine the drainage infrastructure required to support the development and as a minimum it must address:

- proposed development;
 - A minimum of 2 m³ of storm water storage for each 65m² of impervious area;
 - storm events to be managed;
 - onsite-retention for 1:1 year events;
 - onsite-detention for 1:5 year events;
 - overland flow path for larger events;
 - effect of groundwater;
 - water quality;
 - protection of adjacent / nearby waterways and wetlands; and
 - conclusions / recommendations.
31. Before the development is occupied, the recommendations of the approved Stormwater and Drainage Management Plan must be constructed and implemented to the satisfaction of the City of Bunbury.
32. This property is situated within the 1% Annual Exceedance Probability (AEP) and is susceptible to flooding. The building must have a minimum finished floor level of 1.9 metres AHD in accordance with the City of Bunbury's Local Planning Policy: Development in Flood Affected Areas.
33. Before the development is occupied, the property must be connected to the Water Corporation reticulated sewerage system.

Contamination

34. Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out at Lot 51 and Lot 59 to determine if remediation is required.

If required, remediation (including validation of remediation), of any contamination identified shall be completed prior to completion of construction works at Lot 51 and Lot 59 to the satisfaction of the City of Bunbury on advice from the Department of Water and Environmental Regulation, to ensure that the site is suitable for the proposed use.

Investigations and remediation are to be carried out in compliance with the *Contaminated Sites Act 2003* and current Department of Water and Environmental Regulation contaminated sites guidelines.

Advice Notes

1. This is a development approval only. The applicant/owner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or license requirements that may relate to the development.
2. The applicant is advised that the development is subject to the Building Act 2011, Building Regulations 2012 and Building Code of Australia. A separate building permit must be granted before the development commences, where offences occur statutory penalties apply. The applicant/owner is advised to liaise further with the City of Bunbury.
3. The applicant is advised that a works and thoroughfare permit is required for any works within Council land other than a crossover. A permit application form can be obtained on the City's website www.bunbury.wa.gov.au
4. With regards to the condition relating to contamination, in accordance with regulation 31(1)(c) of the *Contaminated Sites Regulations 2006*, a mandatory auditor's report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance with the condition. A current list of accredited auditors is available from <https://www.wa.gov.au/service/environment/environment-information-services/contaminated-sites-auditors>.
5. With regards to condition requiring an addendum to the acoustic report, the applicant is advised that noise attenuation engineered design for the exhaust fan(s) and alfresco areas are to be considered to enable the restaurant/café to open on Sundays and Public Holidays prior to 9am.
6. The applicant is advised that the development must comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997* in relation to noise emissions at all times including demolition and construction phases of the development. Should works be required to occur outside of the hours of 7am to 7pm Monday to Saturday, an application for approval to undertake Out-of-hours work must be made under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*.

7. The applicant is advised that any demolition work involving asbestos must be in accordance with the Health (Asbestos) Regulations 1992.
8. The applicant is advised that the premises and equipment the subject of this development approval is required to comply with clause 3.2.3 of the Australian Food Safety Standards. An application shall be made to the City of Bunbury for assessment and approval prior to commencing development.
9. The applicant is advised that the development is defined as a “Food Business” under the *Food Act 2008*. The development is required to comply with the *Food Act 2008* and *Food Regulations 2009*.
10. Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a high to moderate risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation’s acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works.
11. In the event dewatering is proposed, the proponent is advised to contact the Department of Water and Environmental Regulation (DWER) on 9726 4111 for a licence to dewater under the RIWI Act if the proposed activity is to exceed the threshold specified at <https://www.water.wa.gov.au/licensing/water-licensing/exemptions>
12. The applicant is advised that a public open space contribution may be applicable should the lot be subdivided in the future.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.



DRAWING LIST	
DRAWING No.	DRAWING NAME
SK1-01	COVERPAGE
SK1-02	SITE PLAN
SK2-01	GROUND FLOOR PLAN
SK2-03	LEVEL 1 FLOOR PLAN
SK2-04	LEVEL 2 FLOOR PLAN
SK2-05	ROOF PLAN
SK3-LA01	LANDSCAPE PLAN - GF
SK3-LA02	LANDSCAPE PLAN - L1
SK3-01	EXTERNAL ELEVATIONS
SK3-02	COURTYARD ELEVATIONS
SK4-01	SECTION 1
SK4-02	SECTION 2

DEVELOPMENT
ASSESSMENT PANEL

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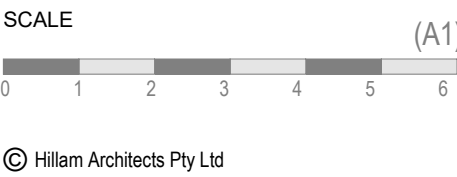
27-Nov-2023

LESCHENAULT QUAYS REDEVELOPMENT

LOTS 51 & 59 AUSTRAL PARADE, BUNBURY



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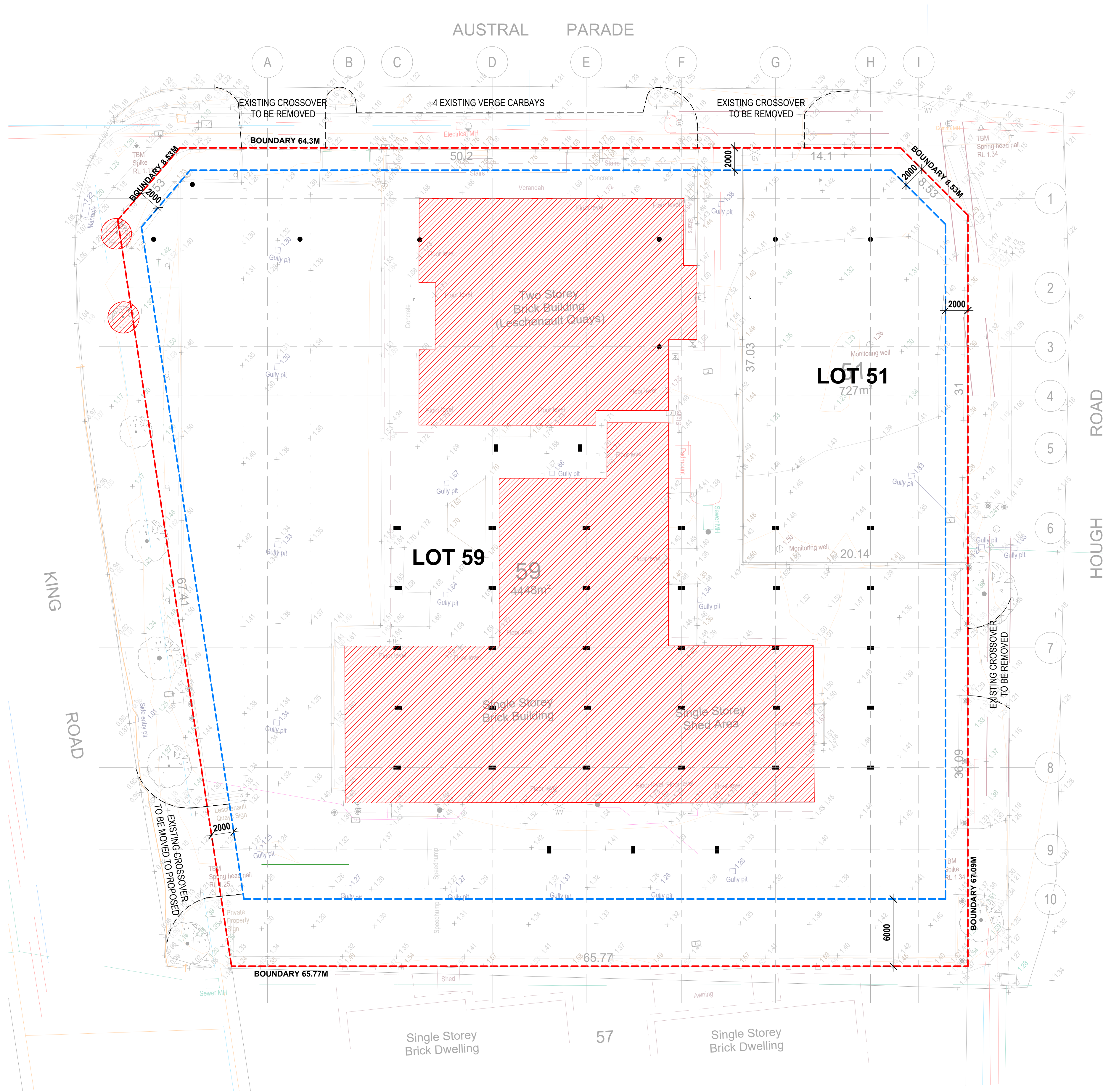
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DDMMYY	REV	DESCRIPTION	ISSUED BY	CHECKED

PROJECT No.
2210

DWG NAME
COVERPAGE

DWG No.
SK1-01

REV
1



LEGEND

- EXISTING STRUCTURE TO BE REMOVED
- RETAINED EXISTING TREES
- PROPERTY BOUNDARY
- SITE SETBACKS

DEVELOPMENT
ASSESSMENT PANEL

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LESCHENAULT QUAYS REDEVELOPMENT

LOTS 51 & 59 AUSTRAL PARADE, BUNBURY



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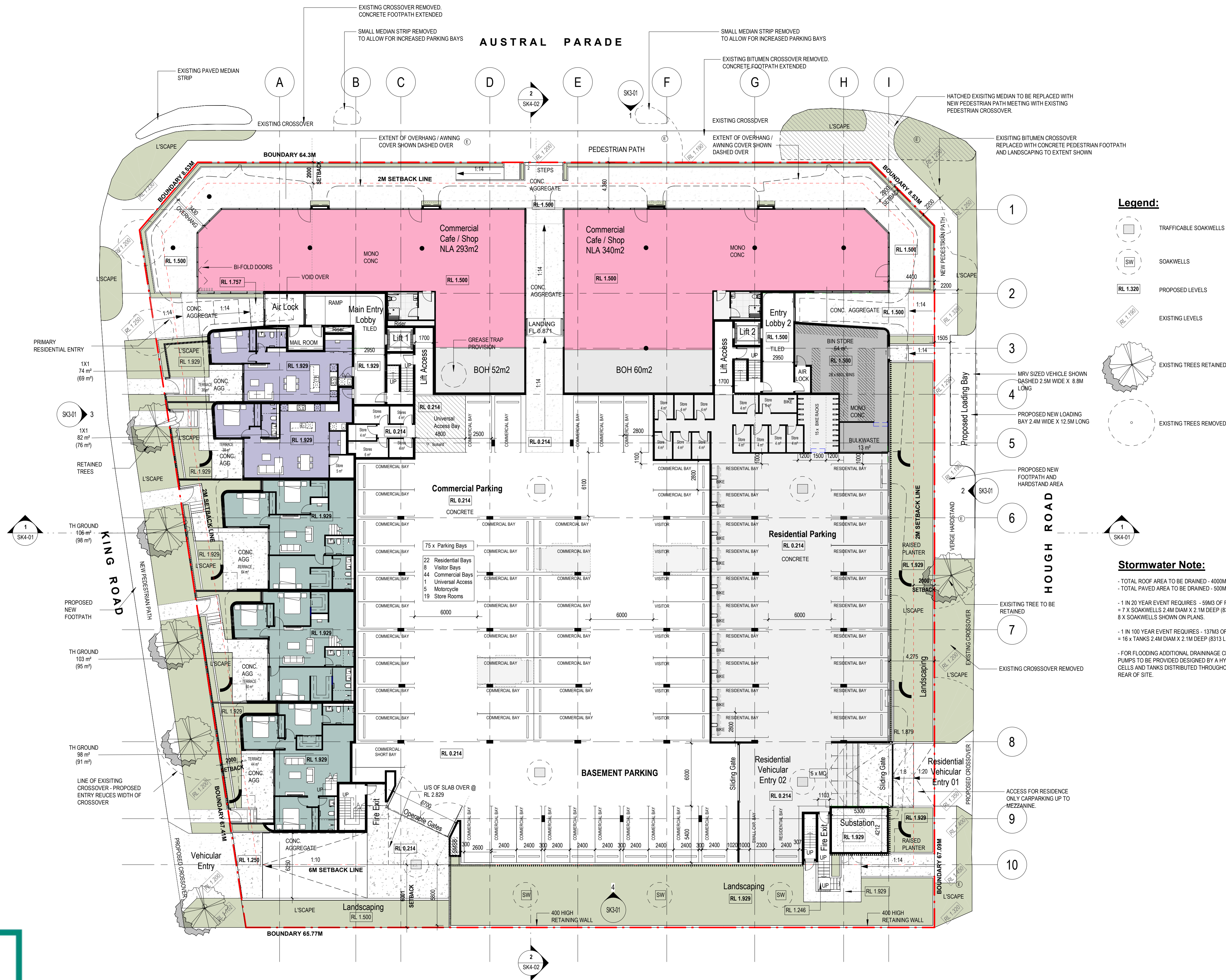
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DD/M/YY	REV	DESCRIPTION	ISSUED BY	CHECKED

PROJECT No.
2210

DWG NAME
SITE PLAN

DWG No.
SK1-02

REV
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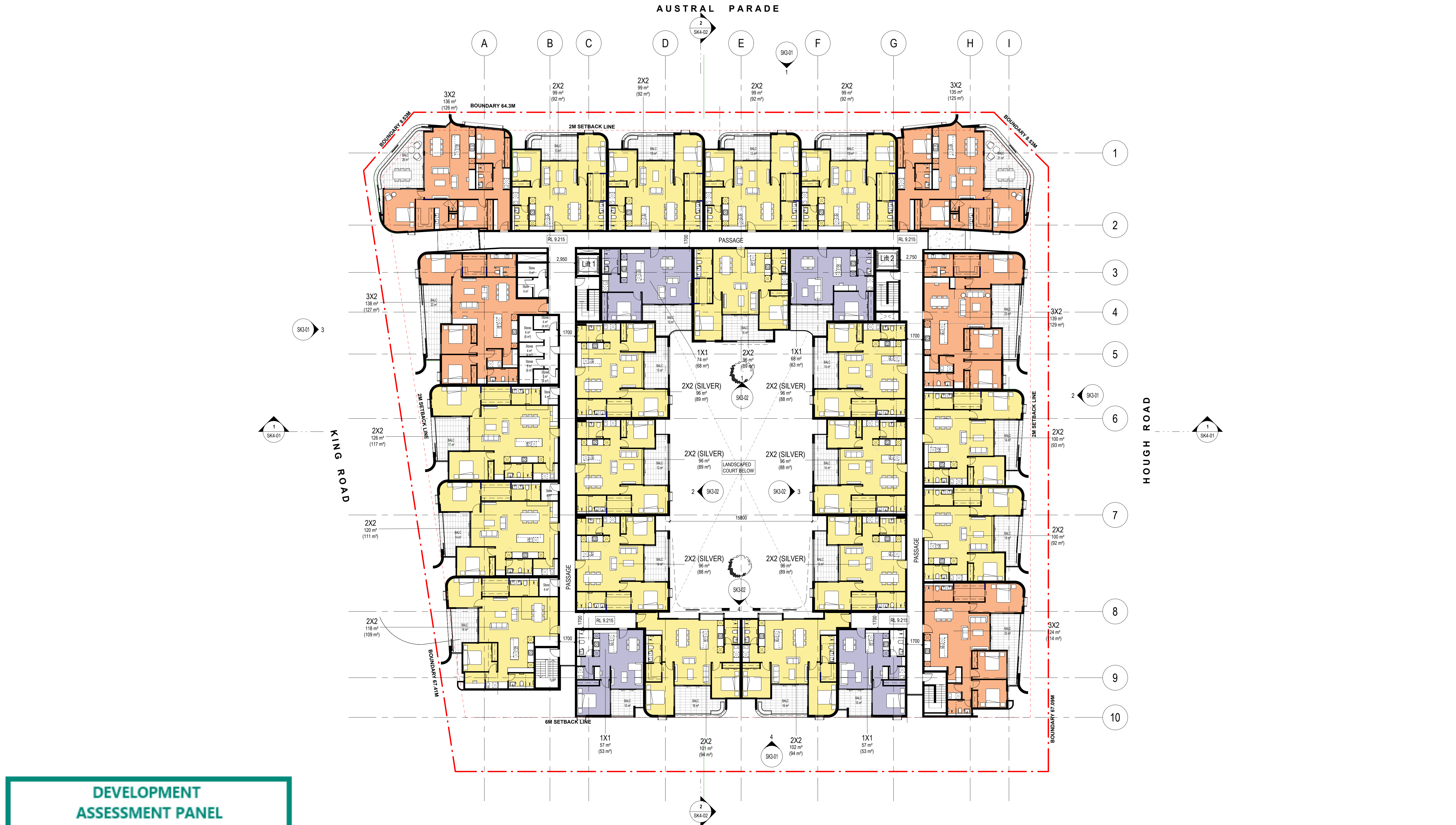


DEVELOPMENT
ASSESSMENT PANEL

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LOTS 51 & 59 AUSTRAL PARADE. BUNBURY

REV
2



1 AUSTRAL PARADE ELEVATION
SK2-01 1:200



2 HOUGH ROAD ELEVATION
SK2-01 1:200



3 KING ROAD ELEVATION
SK2-01 1:200



4 SOUTH ELEVATION
SK2-01 1:200

DEVELOPMENT
ASSESSMENT PANEL

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EXTERNAL FINISHES REFERS TO 2210_SCHEDULE OF EXTERNAL FINISHES



1 AUSTRAL PARADE ELEVATION
SK2-01 1:200



2 HOUGH ROAD ELEVATION
SK2-01 1:200



3 KING ROAD ELEVATION
SK2-01 1:200



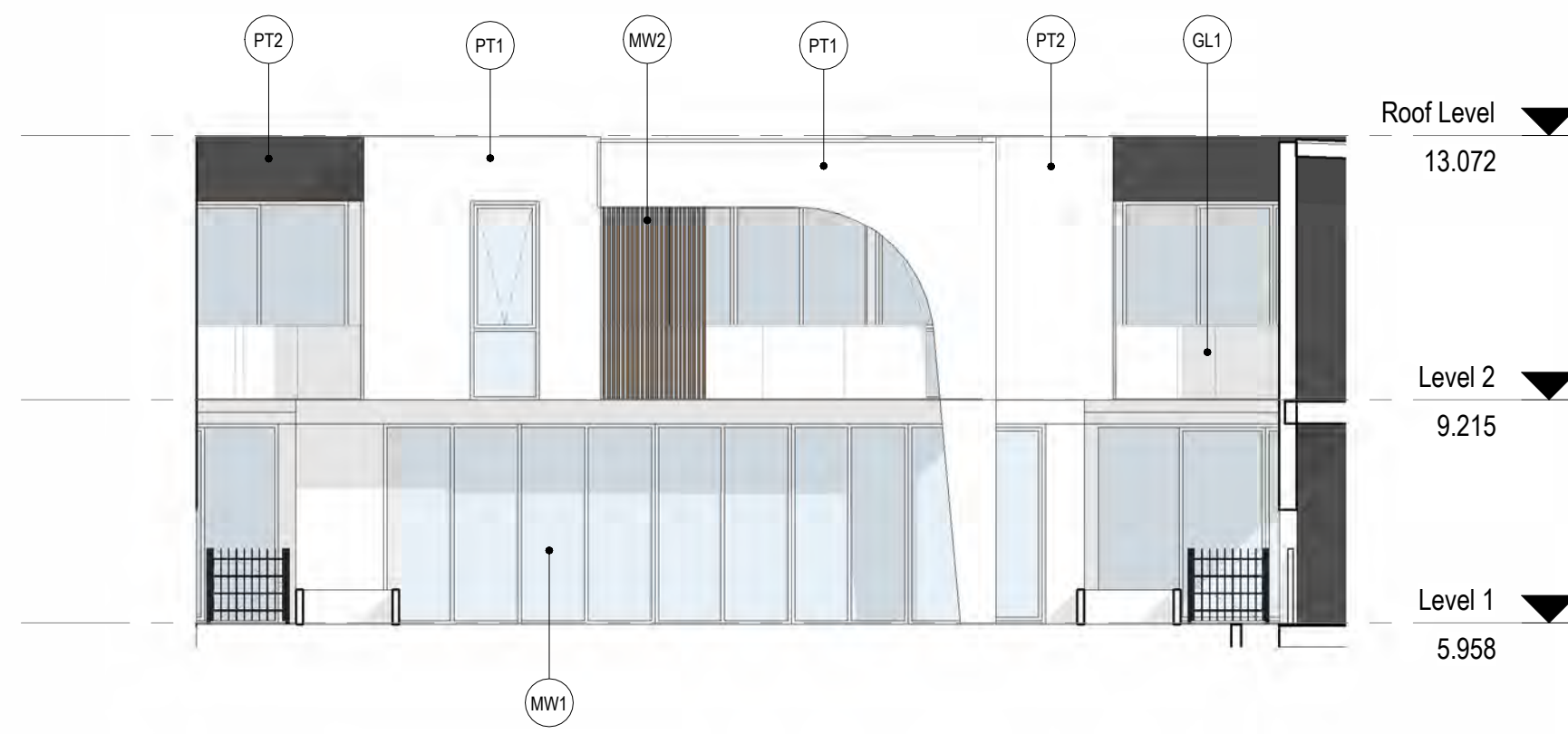
4 SOUTH ELEVATION
SK2-01 1:200

DEVELOPMENT
ASSESSMENT PANEL

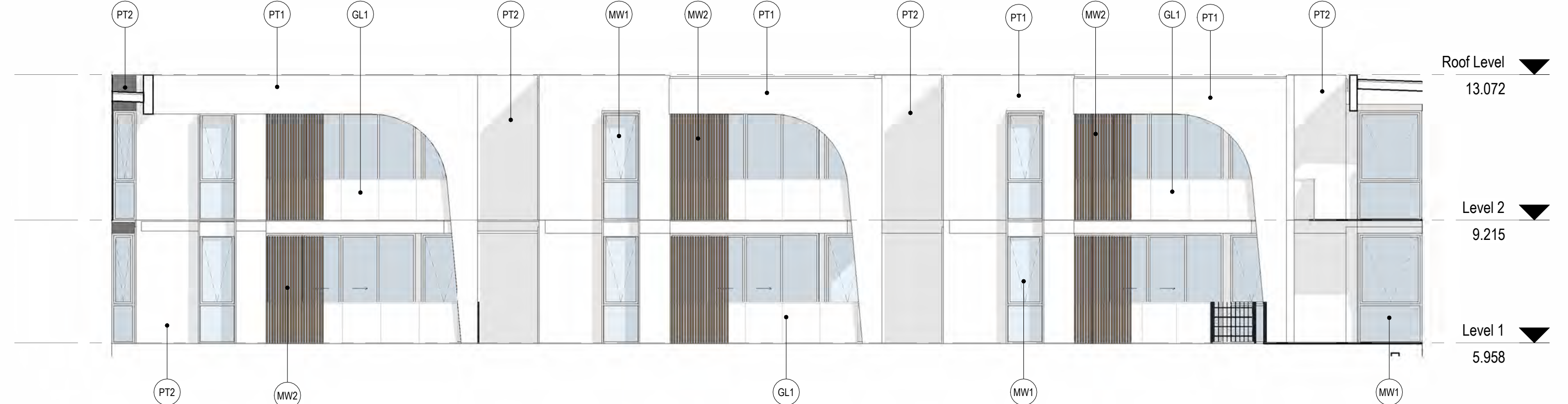
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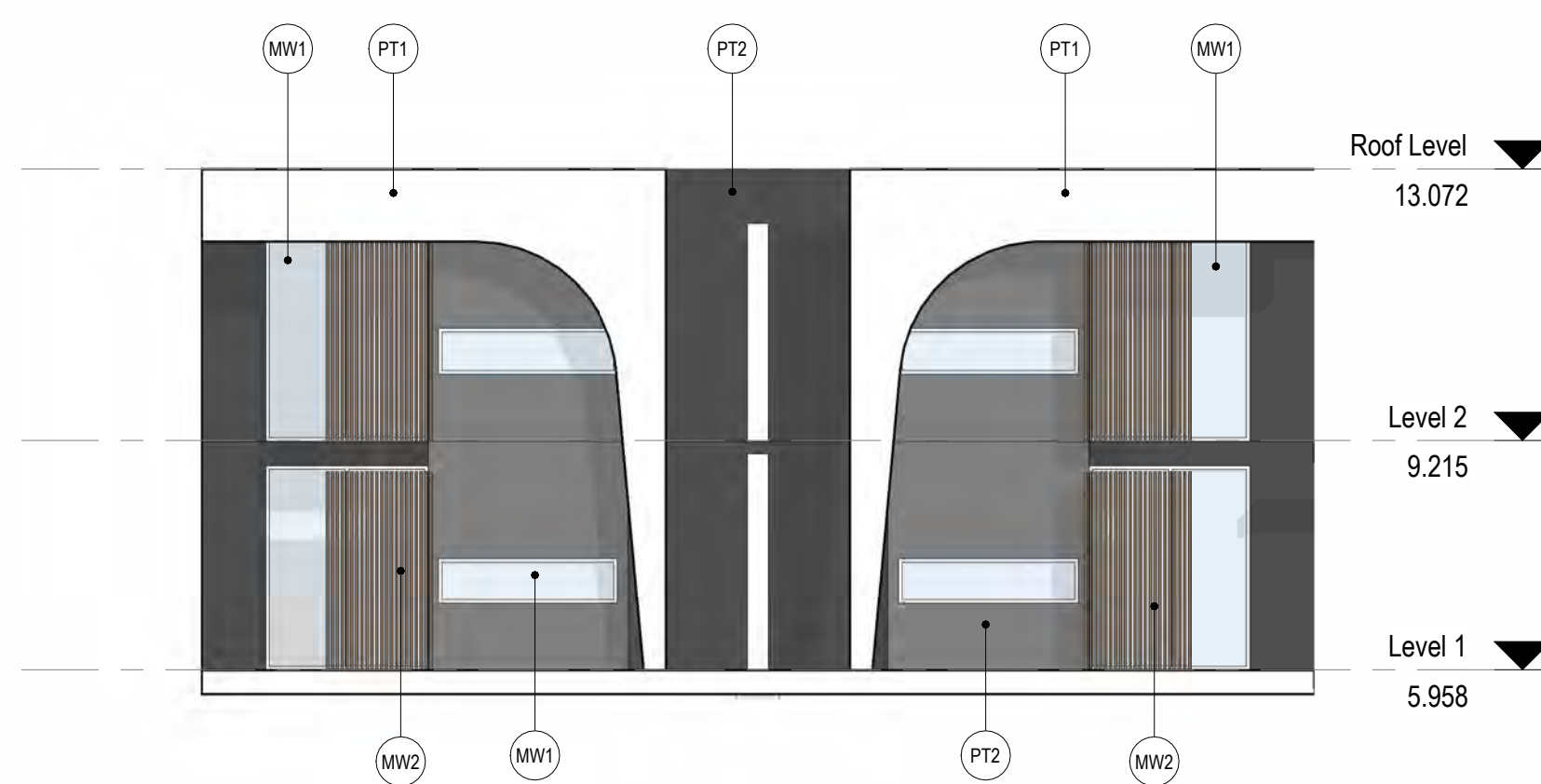
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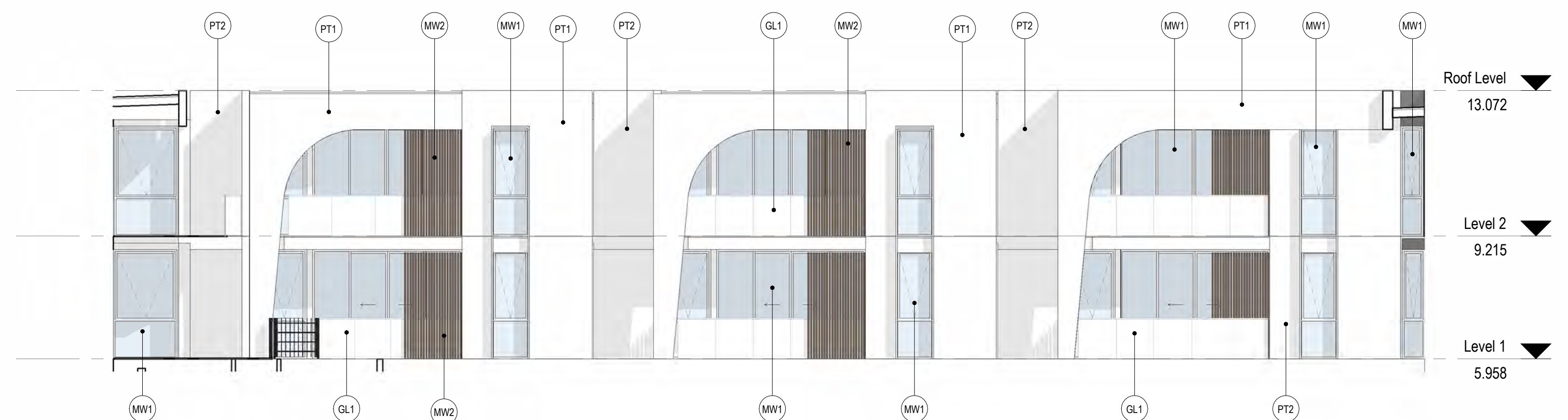
1 COURTYARD NORTH ELEVATION
SK2-03 1:100



2 COURTYARD NORTH EAST
SK2-03 1:100



4 COURTYARD SOUTH ELEVATION
SK2-03 1:100



3 COURTYARD WEST ELEVATION
SK2-03 1:100

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EXTERNAL FINISHES REFERS TO 2210_SCHEDULE OF EXTERNAL FINISHES





1 COURTYARD NORTH ELEVATION
SK2-03 1:100



2 COURTYARD NORTH EAST
SK2-03 1:100



4 COURTYARD SOUTH ELEVATION
SK2-03 1:100



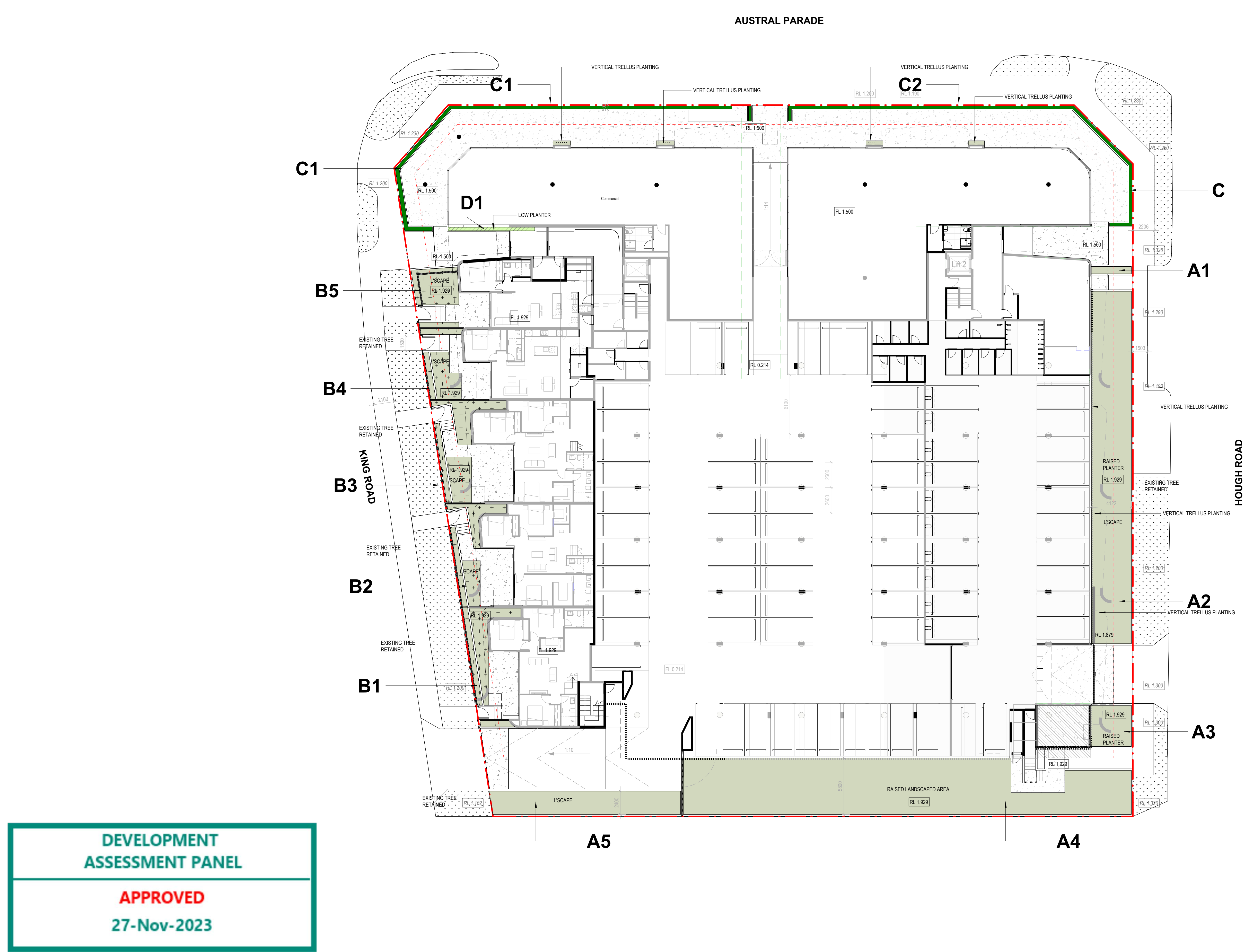
3 COURTYARD WEST ELEVATION
SK2-03 1:100

DEVELOPMENT
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EXTERNAL FINISHES REFERS TO 2210_SCHEDULE OF EXTERNAL FINISHES





LANDSCAPE LEGEND:

PLANTING ZONE A:

COMBINATION OF SMALL TREES AND LUSH NATIVE AND ENDEMIC PLANTING THAT REPRESENT AN ECLECTIC MIX OF LOCAL SPECIES, TOGETHER WITH ROBUST PLANT SPECIES SELECTED TO MEET THE REQUIREMENTS OF THE PUBLIC REALM.

PERIMETER FEATURE TREES WILL STRUCTURE AND DEFINE THE GREEN EDGE TO HOUGH ROAD, ALSO PROVIDING SCREENING TO THE CARPARK.

A DIVERSE SELECTION OF SUN AND SHADE TOLERANT ENDEMIC, NATIVE AND EXOTIC SPECIES HAVE BEEN PROPOSED THAT WILL BE ROBUST AND WATERWISE, AND WELL SUITED TO THESE ASPECTS.

PLANTING ZONE B:

SIMILAR TO PLANTING ZONE TYPE A, WITH LOCAL NATIVE SHRUBS, AND GROUND COVER. SHADE TOLERANT ENDEMIC AND NATIVE SPECIES.

REFER TO DESIGN REPORT FOR SUGGESTED SPECIES.

PLANTING ZONE C:

LOCAL AND NATIVE SPECIES WITH A GRASSY STRUCTURE, WITH SOME EXOTIC GROUND COVER SPECIES.

REFER TO DESIGN REPORT FOR SUGGESTED SPECIES.

PLANTING ZONE D:

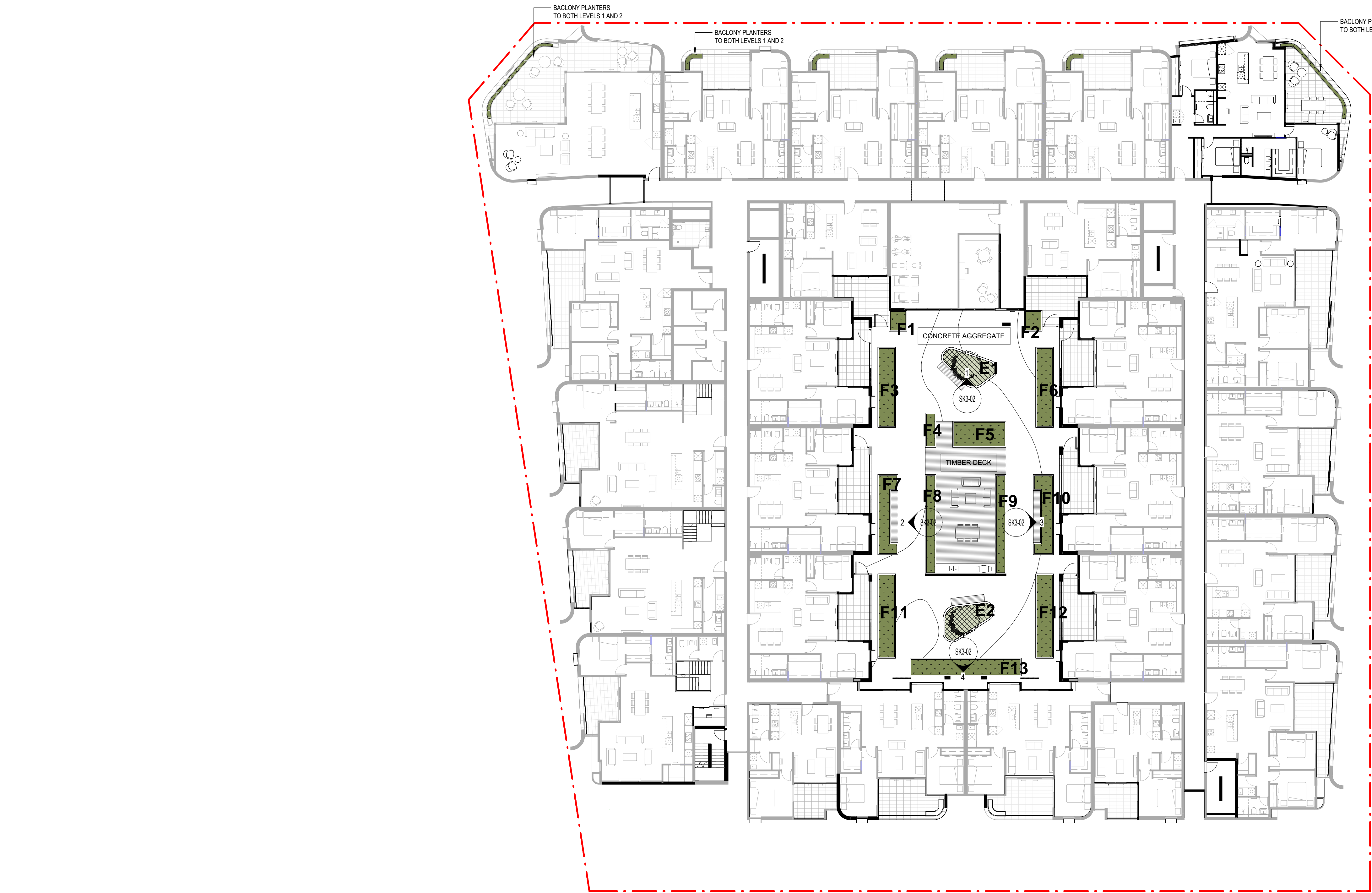
RESIDENTIAL ENTRY - TO HELP WITH LEGIBILITY AND DEFINE ENTRY, AN ICONIC SHADE TOLERANT SUCCULENT SUCH AS MOTHERS TONGUE.

DEVELOPMENT
ASSESSMENT PANEL

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27-Nov-2023





LANDSCAPE LEGEND:



PLANTING ZONE E:
ON STRUCTURE PLANTING UP TO 1M DEPTH, WITH A FEATURE TREE SUCH AS A FRANGIPANI, WITH A BASE OF GRASS STRUCTURE WITH SOME TRAILING AND EXOTIC SHRUBS.



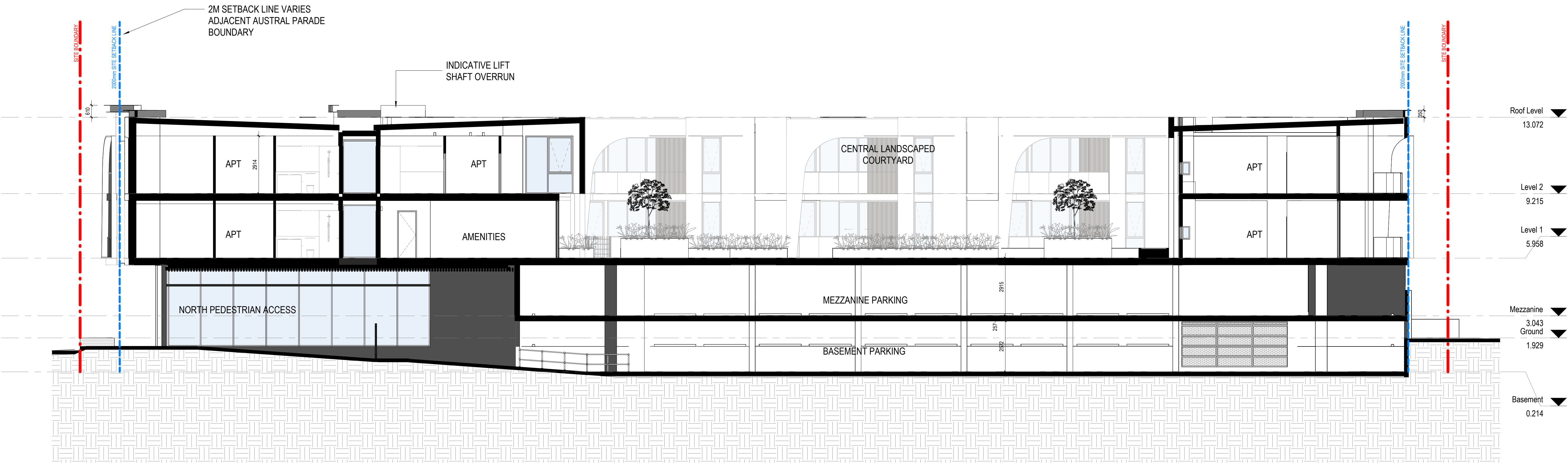
PLANTING ZONE F:
ON STRUCTURE PLANTING UP TO 500MM DEPTH WITH GRASS STRUCTURE, TRAILING AND EXOTIC SHRUBS.

DEVELOPMENT
ASSESSMENT PANEL

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DEVELOPMENT
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